

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

CDN INNOVATIONS, LLC,

Plaintiff,

v.

GRANDE COMMUNICATIONS
NETWORKS, LLC,

Defendant.

Civil Action No. 4:20-cv-00653-SDJ

JURY TRIAL DEMANDED

JOINT CLAIM CONSTRUCTION AND PREHEARING STATEMENT

Pursuant to Patent Local Rule 4-3 and the Scheduling Order (Dkt. No. 16), Plaintiff CDN Innovations, LCC (“Plaintiff” or “CDN”) and Defendant Grande Communications Networks, LLC (“Defendant” or “Grande”) hereby provide this Joint Claim Construction and Prehearing Statement.

I. AGREED TERMS (P.R. 4-3(a)(1))

As of the date of this Prehearing Statement, the parties have not agreed upon any proposed constructions for claim terms found U.S. Patent No. 7,293,291 (“the ’291 patent”), U.S. Patent No. 7,565,699 (“the ’699 patent”), U.S. Patent No. 6,865,532 (“the ’532 patent”), U.S. Patent No. 7,164,714 (“the ’714 patent”), U.S. Patent No. 6,628,344 (“the ’344 patent”) and U.S. Patent No. 6,311,180 (“the ’180 patent”) (the “patents in suit”). The parties have discussed and agreed that Plaintiff will no longer assert claim 24 of the ’291 patent.

II. DISPUTED TERMS (P.R. 4-3(a)(2))

Exhibit A attached hereto identifies the terms, phrases, or clauses of the patents in suit that are in dispute. In addition, where applicable, Exhibit A contains an identification of intrinsic

evidence supporting a proposed claim construction as well as extrinsic evidence that each Party intends to rely on to support its proposed constructions or to oppose the proposed construction of the other Party.

III. LENGTH OF TIME NECESSARY FOR CLAIM CONSTRUCTION HEARING (P.R. 4-3(a)(3))

The Parties anticipate 3 hours per side for the claim construction hearing.

IV. WITNESSES AT THE CLAIM CONSTRUCTION HEARING (P.R. 4-3(a)(4))

Parties do not intend to rely on expert evidence. Unless requested by the Court, the Parties do not intend to call any live witnesses at the Claim Construction Hearing.

V. ADDITIONAL ISSUES (P.R. 4-3(a)(5))

The Parties have not identified any additional issues to be addressed prior to the Claim Construction Hearing.

VI. ESTIMATED BRIEFING LENGTH FOR DISPUTED CLAIMS

Pursuant to the Court's Order Governing Proceedings (Dkt. No. 12) and the Scheduling Order (Dkt. No. 16), the parties estimate that briefing the disputed claims will require no more than 100 pages, which will be allocated equally between Plaintiff and Defendant.

Dated: April 9, 2021

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/s/ James M. Lennon

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CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that copies of the within document were served on counsel of record via electronic mail on April 9, 2021.

/s/ James M. Lennon

James M. Lennon